IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2854 OF 2005

Shri.Shantaram Shaniwar Mhatre ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.V.V.Purwant for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MAY 2, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The Applicant apprehends arrest in connection with C.R.No.I-117 of 2005 registered at Mumbra Police Station. Indeed, the offence in question is a serious offence. However, I find substance in the argument of the Applicant that the possibility of Applicant being falsely implicated on account of property dispute by his brother,

cannot be totally ruled out. This argument is supported from the evidence so far collected by the Investigating Officer.

3. The only independent witness who has been examined, stated to be the eye-witness to the incident, has not ascribed any specific role to the Applicant. The other evidence is the version of the Complainant, who has long standing enmity with the Applicant and there is evidence of watchman who has been employed by the Complainant. Therefore, the said version of the Complainant and the watchmen, will have to be considered in the light of argument of the Applicant that he has been falsely implicated due to long standing rivalry between the parties, and which possibility is reinforced from the statement of independent witness, as that witness has not ascribed any role to the Applicant. Moreover, Applicant is over 70 years of age.

4. Taking overall view of the matter, the following order will meet the ends of justice.

(a) The Applicant is granted anticipatory bail in connection with C.R.No.I-117 of 2005 registered with Mumbra Police Station on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with two local sureties in the like amount.

(b) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicant shall report to the Investigating Officer twice a week on Wednesday and Sunday between 10.00 a.m. to 1.00 p.m. till the filing of the charge-sheet.

(d) Applicant shall not leave the jurisdiction of Mumbra Police Station without prior intimation to the Investigating Officer.

5. This order shall enure in favour of the Applicant till the filing of the charge-sheet.

6. Application disposed of on the above

terms.

A.M.KHANWILKAR, J.